

REMARKS

The non-final office action that was mailed July 31, 2008, rejected claims 43-44, 46 and 49, allowed claim 52, and indicated that claim 50 would be allowable if rewritten in independent form to include all of the limitations of the base claim. Applicant has amended independent claim 43 to include the limitations of claim 50, and has canceled claim 50 without prejudice. The amendments add no new matter. Claims 43-44, 46, 49 and 52 are pending, with claims 55 and 57-63 withdrawn from consideration pursuant to Applicant's election. Applicant requests reconsideration in view of the amendments above and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 43-44, 46 and 49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,679,906 to Hammack et al. ("Hammack"). Of these, claim 43 is independent, and claims 44, 46 and 49 depend from claim 43.

Applicant has amended independent claim 43 to include the limitations of claim 50, which was indicated allowable. The amendment adds no new matter. Amended claim 43 is thus patentable over the references of record, including Hammack, as are dependent claims 44, 46 and 49. Accordingly, Applicant requests that the Examiner withdraw the anticipation rejections of these claims.

CONCLUSION

Applicant submits that each of claims 43-44, 46, 49 and 52 are in condition for allowance, and requests that the Examiner issues a notice of allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

Applicant : Daniel M. Lafontaine
Serial No. : 10/786,322
Filed : February 25, 2004
Page : 7 of 7

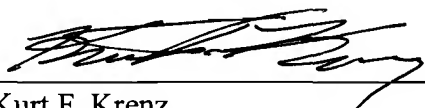
Attorney's Docket No.: 10527-0437002 / 00-0301-CON

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 30 Oct. 2008


Kurt F. Krenz
Reg. No. 62,664

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945